

I hereby certify that the foregoing act was published in the *Daily State Register* April 3, 1868, and in *The Iowa Homestead* April 9, 1868.

ED WRIGHT, *Secretary of State*.

## CHAPTER 57.

### DES MOINES VALLEY RAILROAD AND LANDS.

AN ACT Prescribing the Terms and Conditions on which the State will relinquish and convey to the Des Moines Valley Railroad Company certain Rights and Privileges in respect to the Resumption of Lands heretofore granted to said Company. MARCH 31.

WHEREAS, By act of Congress approved August Preamble. 8, 1846, there was granted to the then Territory of Iowa certain lands to aid in the improvement of the Des Moines river, in said Territory; which grant the State of Iowa, by joint resolution of the General Assembly, approved January 9, 1847, accepted for the 1847, J. R. 2. purposes therein specified; and,

WHEREAS, The General Assembly of this State, by an act approved March 22, 1858, granted such portion 1858, ch. 99. of said lands as had not been previously disposed of, to the Keokuk, Fort Des Moines and Minnesota Railroad Company, to aid in the construction of a railroad from the city of Keokuk up and along the valley of the Des Moines river by the way of the city of Des Moines to the northern line of the State, in the direction of the southern bend of the Minnesota or St. Peter's river, and providing that said grant should become operative when the consent of Congress to the diversion of said lands should be obtained, or the title thereto vested in the State; and also imposing upon said company, in case of its acceptance of said grant, certain conditions and restrictions, among which it was provided that said company would complete seventy-five miles of said road within three years, and thirty-three miles each year thereafter for five years, and the whole line on or before the first day of December, 1868; and,

WHEREAS, Such consent of Congress to the diversion was given by an act approved July 12, 1862, and said company afterward accepted said grant; and,

WHEREAS, Said Keokuk, Fort Des Moines and Minnesota Railroad Company is now known as and called the Des Moines Valley Railroad Company; and,

WHEREAS, Said railroad [company] is in default in respect to the time of construction of said road, and in the performance of other conditions of said grant, whereby the State has the right to resume the whole or a part of said lands: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the reserved rights and interests of the State in respect to the resumption and disposal of said lands are hereby relinquished to and conferred upon said Des Moines Valley Railroad Company, in the manner and upon the performance of the conditions precedent by said company, as hereinafter set forth, and not otherwise, viz.:

*First*—That it shall be the duty of the Register of the State Land Office, as soon as practicable, and before the first day of July, 1868, to set apart and reserve from the remaining river lands within the grant, and lying in place next north of township number ninety, and upon which there are no settlers claiming homestead rights, and exclusive, also, of the ten sections set apart and sold to S. H. Taft, one hundred thousand acres of said lands, which shall be especially held to secure the payment of the claims described in sections 1 and 2 of chapter 22 of the laws of the Eleventh General Assembly of Iowa, and also of such claims as have been or may be allowed by the present General Assembly.

*Second*—That if the said Des Moines Valley Railroad Company shall fail to pay in full and discharge all the claims in the preceding paragraph mentioned, by or before the first day of July next, then it shall be the duty of the Register of the State Land Office, and he is hereby required to proceed immediately to sell at his office in Des Moines, for cash, to the highest bidder, for not less than one dollar and fifty cents per acre, all the lands reserved by the preceding paragraph, or so much thereof as shall produce the amount of money remaining due and unpaid on such claim: *Provided*, That he shall first advertise the sale of such lands for not less than sixty days in four different newspapers published, one in Springvale, one in Fort Dodge, one in Des Moines, and one in Keokuk, Iowa; and *provided further*, That such lands shall be sold by him in quantities not less than forty acres nor more than one hundred and sixty acres each, and that the warrants issued by the State Auditor on account of the claims aforesaid

Relinquish-  
ment to D. V.  
R. R. Co.

Duty of Reg-  
ister S. L. O.

100,000 acres  
to pay claims.

Sale of lands  
at not less  
than \$1 50  
per acre.  
Proviso: ad-  
vertisement.

shall be received as cash in payment of lands bought at such sale; and *provided further*, that said company shall have the right to pay said claims at any time before such sale of the lands. Co. may pay claims.

*Third*—That upon such sale and payment of the purchase money, the Register shall issue a certificate to the purchaser, showing the land purchased by him and the amount paid therefor; and upon the presentation thereof to the Governor he shall execute to the purchaser a deed in the name of the State of Iowa, without warranty, conveying the lands so purchased, which deed shall be effectual to pass all the right and title thereto now held by the State, or which may hereafter be acquired by the State from the United States; and all moneys, the proceeds of the sales of lands as aforesaid, shall be by the Register paid into the State treasury for the use of the holders of the unpaid claims herein provided for; which shall be paid in the order specified in section 1 of chapter 22 of the laws of the 11th General Assembly, upon the production and surrender of the warrants therefor; and if there should be an amount insufficient to pay the same in full, then the same shall be paid *pro rata*; and if there shall remain a balance after paying the same in full, such balance shall be paid over to said railroad company. Register to certify. Gov. to execute deeds. Moneys for lands to be paid claimants—how. 1866, ch. 22. Comp. to get balance.

*Fourth*—That the Register of the State Land - Office shall, as soon as practicable and prior to the first day of July next, select from the lands embraced in the said act of Congress, approved July 12, 1862, excluding the lands reserved and described in the first paragraph hereof, one hundred thousand acres of said land of average value as near as practicable, and embracing the ten sections sold to S. H. Taft; and the lands so selected, as well as the proceeds of any portion thereof now sold, shall be held and applied exclusively for the construction of said railroad above Des Moines as now provided by law, and shall be conveyed and patented to said railroad company, or to such person or persons as they shall direct, only upon the completion of said railroad into the town of Fort Dodge, situated on the east side of the Des Moines river, within the year 1870, which said company agrees to do; and the evidence of such completion shall be the running of trains into said town within the time specified, and none of said lands shall be patented until such completion, and the proceeds of any portion thereof sold under provisions of existing law shall be at the same time paid over to said railroad company. The said railroad company shall Register of S. L. O. to select 100,000 acres for road above D. M. Lands and proceeds to be turned over when road is completed to Ft. Dodge, in 1870. 65 miles to be graded in 1868-'69.

also have not less than sixty - five miles of said road from their present terminus graded during the present and the ensuing calendar year.

**Governor to deed lands to Company.** *Fifth* — That so soon as satisfactory evidence shall be furnished to the Governor that all the claims herein provided for have been settled and paid, or fully discharged, whether by the sale of the land, or by payments made by said railroad company, he shall execute and deliver to the Des Moines Valley Railroad Company, or to their assigns, a deed or deeds in the name of the State of Iowa, without warranty, for all the lands embraced in the said act of Congress, approved July 12, 1862, save and except the one hundred thousand acres hereinbefore reserved for the construction of said road above the city of Des Moines to Fort Dodge; and except also any lands embraced in said grant which may have been reserved by any act passed prior hereto by the State of Iowa for the protection or benefit of settlers or persons claiming homesteads thereon; and the settlement made and approved June 20th, 1866, by the Census Board of the State of Iowa with the Des Moines Valley Railroad Company, and the settlement with the United States therein referred to, are hereby ratified and confirmed.

**Exceptions.**

**Settlements with D. M. V. R. R. Co. and U. S. ratified.**

**In case of non-compliance, co. to forfeit land-grant.** SEC. 2. In case of non-compliance by said railroad company with the foregoing conditions by it to be performed, then, without further legislation, this act shall have the force and effect of an act of resumption, and all rights of said company in and to said lands or any part thereof, heretofore or hereby granted to said company, and not at the time of such failure actually conveyed by the State to said company, shall be forfeited to and revested in the State of Iowa, as full[y] as if the grant thereof had never been made by the State.

**To be accepted in 30 days.** SEC. 3. This act shall be accepted by the said railroad company, and evidenced by the signature of the president and secretary of said company, with the corporate seal thereof, within thirty days from the approval of this act, but the non-acceptance by the said Des Moines Valley Railroad Company of this act shall not prevent all the foregoing provisions thereof from having the same operation and effect as if the same had been accepted by said company. The company accepting the provisions of this act shall at all times be subject to such rules, regulations, and rates of tariff for transportation of freight and passengers as may

**Restrictions on tariffs.**

from time to time be enacted by the General Assembly of the State of Iowa.

SEC. 4. So much of section three of chapter one 1864, ch. 108. hundred and eight, of the laws of the Tenth General Assembly, and of other laws and provisions relating thereto, including section five of said chapter, as requires the lands hereinbefore referred to, or any part thereof, to be classified or graded by commissioners, and all other acts and parts of acts inconsistent with this act, are hereby repealed. Law for grading lands by commissioners repealed.

SEC. 5. This act shall be in force and have effect from and after its publication in the State Register and Evening Statesman, papers published in Des Moines, Iowa. Taking effect.

Approved March 31, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 1, 1868, and in the *Daily State Register* April 2, 1868.

ED WRIGHT, *Secretary of State.*

## CHAPTER 58.

### LANDS GRANTED TO THE M'GREGOR & SIOUX CITY RAILWAY COMPANY.

AN ACT Making a Grant of Land to the McGregor & Sioux City Railway Company, or, in Case of their Failure to accept the same, to the Forty - Third Parallel Company, and to Execute the Trust conferred by Act of Congress entitled "An Act for a Grant of Land to the State of Iowa, in Alternate Sections, to aid in the Construction of a Railroad in said State," approved May 12, 1864. MARCH 31.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the lands, rights, and privileges that are granted to the State of Iowa by an act of Congress, approved May 12, 1864, for the purpose of aiding in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said State, in a westerly direction, by the most practicable route, at or near the forty - third parallel of north latitude, until it shall intersect the proposed railroad running from Sioux City to the Minnesota State line, in the county of O'Brien, in said State of Iowa, are hereby granted and conferred to and upon Land-grant for R. R. from McGregor to O'Brien co. given to McG. & S. C. Railway Co.